

MEMO ENDORSED

1155 AVENUE OF THE AMERICAS, NEW YORK, NY 10036-2711

U.S.D.C. S.D.N.Y.
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November 8, 2022

VIA ECF

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The Honorable Andrew L. Carter Jr.
 United States District Judge
 U.S. District Court for the Southern District of New York
 Thurgood Marshall United States Courthouse
 40 Foley Square
 Room 435
 New York, NY 10007

***Schansman et al. v. Sberbank of Russia PJSC et al.*, No. 1:19-cv-02985-ALC-GWG (S.D.N.Y.)
 – Plaintiffs’ Letter Motion to File Under Seal Plaintiffs’ Opposition to Defendant VTB Bank PJSC’s Renewed Motion for Reconsideration**

Dear Judge Carter:

Pursuant to Federal Rule of Civil Procedure 26(c) and Your Honor’s Individual Practice Rule 6.D, Plaintiffs respectfully move the Court for leave to file under seal the unredacted version of Plaintiffs’ Opposition to Defendant VTB Bank PJSC’s (“VTB”) Renewed Motion for Reconsideration. *See* ECF Nos. 442-44. In support of this motion, Plaintiffs state as follows:

1. The above-listed filing contains references to material that a non-party has designated as confidential pursuant to the Protective Order in this case. ECF No. 294. Accordingly, pursuant to the Protective Order, *id.*, Plaintiffs have provisionally filed the above listed filing under seal.
2. Courts in the Second Circuit have recognized that for material produced in discovery, such as the material that Plaintiffs seek to file under seal, “the public interest in access to discovery materials is recognized as generally of a limited order.” *Byrnes v. Empire Blue Cross Blue Shield*, No. 98 CIV. 8520 BSJ MHD, 2000 WL 60221, at *1 (S.D.N.Y. Jan. 25, 2000). A court may keep documents or portions of documents under seal if there is “good cause for preventing public access to discovery materials.” *Id.*
3. Here, a third-party financial institution that produced records in response to a subpoena served by Plaintiffs has designated information contained in the filing as confidential, as the information concerns the bank records of the third party’s customers who transferred funds through VTB’s New York correspondent bank. Under the Protective Order, Plaintiffs are required to file these materials under seal in any court filing. ECF No. 294 ¶ 13. This presents a legitimate concern of confidentiality and gives good cause to file under seal.

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JENNER & BLOCK LLP

Plaintiffs respectfully request the Court enter an order granting them leave to file the above listed filing under seal.¹

Dated: November 8, 2022

Respectfully submitted,

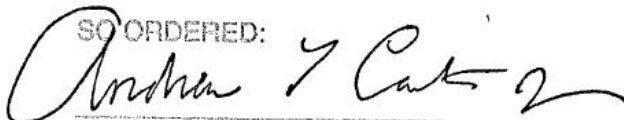
Plaintiffs' request to file the unredacted version of
Plaintiffs' Opposition to Defendant VTB Bank
PJSC's ("VTB") Renewed Motion for
Reconsideration under seal is GRANTED.

By: /s/ Terri L. Mascherin

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Counsel for Plaintiffs

SO ORDERED:

HON. ANDREW L. CARTER, JR.
UNITED STATES DISTRICT JUDGE

Nov. 9, 2022

¹ On October 19, 2022, this Court granted Plaintiffs' request to file under seal the same confidential information at issue in this motion, which is subject to the Protective Order in this case. *See* ECF No. 457.